

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

In Re: COOK MEDICAL, INC., IVC	)	
FILTERS MARKETING, SALES	)	
PRACTICES AND PRODUCT LIABILITY	)	
LITIGATION MDL 2570,	)	
_____	)	1:14-ml-02570-RLY-TAB
	)	MDL No. 2570
This Document Relates to All Actions	)	
_____	)	

**ENTRY FOR SEPTEMBER 25, 2017**

**RICHARD L. YOUNG, JUDGE**

The parties appeared for oral argument on a multitude of pre-trial motions. Plaintiffs appeared by David Matthews, Dave DeGreef, Matt Schultz, Julia Reed, Mike Heaveside, and Joe Williams. The Cook Defendants appeared by Andrea Pierson, Chuck Webber, Joe Tanner, Bruce Jones, Abigail Butler, and Jessica Cox. After hearing argument from the parties, the court ruled as follows:


1. Cook's Motion to Exclude Expert Opinions of Dr. Alexander Marmureanu (Filing No. 5662) is **UNDER ADVISEMENT**.
2. Cook's Motion to Exclude Expert Opinions of Dr. Mohammad Rajebi (Filing No. 5671) is **UNDER ADVISEMENT**.
3. Cook's Motion to Exclude Expert Opinions of Dr. Rebecca Betensky (Filing No. 5665) is **UNDER ADVISEMENT**.
4. Cook's Motion to Exclude Expert Opinions of Dr. David Kessler (Filing No. 5692) is **UNDER ADVISEMENT**.

5. Cook's Motion to Exclude Expert Opinions of Dr. David Garcia (Filing No. 5670) is **UNDER ADVISEMENT**.
6. Cook's Motion to Exclude Expert Opinions of Dr. Michael Fishbein (Filing No. 5666) is **GRANTED**. In particular, Cook moved to exclude, and the court granted (with no objection from Plaintiff), only his case-specific opinions. Dr. Fishbein may opine about: (1) the structure and function of the vena cava; (2) how perforations, penetration and tenting are determinable by pathology; (3) the cellular-level occurrences that accompany vascular injuries; (4) the healing process and tissue response following vascular damage; (5) the histological evidence from Cook's animal studies; and (6) how the placement of IVC filters results in a predictable series of pathological changes that are not benign.
7. Cook's Motion to Exclude Expert Opinions of Leigh Ann Levy, R.N. (Filing No. 5690) is **UNDER ADVISEMENT**.
8. Plaintiff's Omnibus Motion to Exclude or Limit the Testimony of Certain Defense Witnesses (Filing No. 5663)—Dr. Elisa Harvey, DVM, Ph.D; Mr. Harrold Pellerite; Dr. Anthony Venbrux; Dr. Anthony Moreno, Dr. Mark Zuzga, and Dr. Frank Lynch—is **UNDER ADVISEMENT** with respect to each expert witness.
9. Cook's Motion for Summary Judgment on Preemption (Filing No. 5727) is **DENIED**.
10. Cook's Motion for Summary Judgment (Filing No. 5752) is **GRANTED** in part and **UNDER ADVISEMENT** in part. Specifically, the court **GRANTED** the

Motion with respect to Plaintiff's strict liability failure-to-warn claim because she withdrew the claim; and took the balance of the Motion **UNDER ADVISEMENT**.

11. Plaintiffs Motion for Partial Summary Judgment as to Cook's Affirmative Defenses (Filing No. 5714) is **GRANTED** in part and **DENIED** in part. Specifically, the Motion is **GRANTED** with respect to the following affirmative defenses: statute of limitations, laches, comparative fault, nonparty fault, nonparty fault and product misuse (comparative fault), and alteration/modification of device (nonparty fault/comparative fault), and the governing rules defense. The Motion is **DENIED** with respect to Cook's affirmative defenses of assumption of risk and superseding/intervening cause.
12. Plaintiff's Motion in Limine to Exclude All Evidence of FDA 510(k) Clearance (Filing No. 6159) is **GRANTED**.
13. Cooks Motion to Bifurcate (Filing No. 5860) is **UNDER ADVISEMENT**.

**SO ORDERED** this 26th day of September 2017.

  
\_\_\_\_\_  
RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.